IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3499 OF 2003

Sabero Organic Gujarat Ltd. Plaintiff

versus

P.J.Agro Tech Limited Defendant

Mr.Birendra Saraf i/by M.K.Ambalal & Co. for plaintiff
None for defendant.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 13th June 2005

PC :

1. Mr.Saraf appearing for the plaintiff submits that upon institution of this suit a writ of summons was issued by the office which has been duly served on the defendants. Upon service being completed, the defendants filed Vakalatnama. However, the said Vakalatnama was not filed within period stipulated by law. Accordingly, an application for condoning delay in filing the Vakalatnama was taken out and the same was dismissed for non prosecution. The defendants' advocate pleaded non instructions on the day on which the application was placed before this Court. Mr.Saraf places on record copy of the order passed on 23rd March 2005. The defendant has thereafter neither applied afresh

nor has taken any further steps. In the light of the fact that there is no appearance on record, plaintiff is entitled to a judgement forthwith.

2. This is a summary suit filed by the plaintiffs on the basis of a written contract evidenced by invoices and delivery challans. The plaintiffs have categorically averred that the goods under these invoices have been supplied and the defendants have accepted the same without raising any objection as to their quality, quantity or price. The invoices raised were also accepted. Debit notes were also raised as pointed out in para no.5. The suit is clearly maintainable as a summary suit. In the light of the fact that the claim of the plaintiffs is not barred by limitation, there shall be a decree as prayed. Further interest shall be @ 12% p.a.. Original documents taken on record and marked "X" for identification. Copy of order passed by this Court on Chamber Summons No.1834 of 2003 taken on record and marked "X-2" for identification. Refund of court fees and computation of advocates' costs as per rules. Certified copy of the decree is expedited.

(S.C.DHARMADHIKARI, J.)